


### REMARKS

In an Office Action dated November 9, 2005, all the pending claims were rejected as being anticipated by an article by Chua et. al. that appeared in Applied Physics Letters, vol. 73, no. 12 p. 1631-33. The paper was authored by Robert Thornton, Chris Chua, David Treat and Rose Donaldson (hereinafter collectively called "the four authors". The Examiner noted the reference is "by others" due to the inclusion of author, Rose Donaldson, who is not an inventor of this application. In response, Applicant submits a declaration by the inventors establishing that the cited article is a disclosure of Applicants' own work and thus cannot be used against Applicants under 35 U.S.C. §102(a). See MPEP §2132.01

In view of the remarks and the attached declaration, Applicants respectfully submit that the claims as amended are allowable over the cited reference, and allowance is hereby respectfully requested. In the event that the Examiner believes a teleconference would facilitate prosecution, Applicants respectfully request that Examiner contact the undersigned.

Respectfully submitted,

  
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